

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
November 19, 2003**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., November 19, 2003, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andy Kunasek, Vice Chairman, District 3; Don Stapley, District 2 and Max W. Wilson, District 4. Absent: Mary Rose Wilcox, District 5. Also present: Norma Risch, Deputy Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

INVOCATION

Steve Schklair, Star Center, delivered the invocation.

PLEDGE OF ALLEGIANCE

Karen Osborne, Director of Elections, led the assemblage in the Pledge of Allegiance.

PUBLIC HEARING – ANIMAL CARE & CONTROL

Chairman Brock called for a public hearing on this matter. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilson and unanimously carried (4-0-1) to approve an increase in the Maricopa County dog license late (penalty) fee to be in compliance with recently amended ARS §11-1008A, the state dog licensing statute. Maricopa County's current license late fee is \$2.00. The state legislature recently revised and increased the late fees to fall within a range of \$2.00 up to a maximum of \$22.00. (C79040347) (ADM2305)

PUBLIC HEARING - ENVIRONMENTAL SERVICES

Chairman Brock called for a public hearing on this matter. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1), as required by ARS §49-479(b), to adopt the proposed revisions to the following: Rule 317, (Hospital/Medical/Infections Waste Incinerators), Rule 321 (Municipal Solid Waste Landfills), Rule 360 (New Source Performance Standards), Rule 370 (Federal Hazardous Air Pollutant Program), and Rule 371 (Acid Rain), (Maricopa County Air Pollution Control Regulations, Rules 317, 321, 360, 370 and 371), and to request delegation of enforcement authority. (C88040127) (ADM2354)

PUBLIC HEARING - ENVIRONMENTAL SERVICES

Chairman Brock called for a public hearing on this matter. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to adopt the amended Rule 319, Ginning Operations, and to submit the revised Rule 319 as a revision to the (Arizona) State Implementation Plan (SIP). (C88040147) (ADM2354)

PUBLIC HEARING - LIQUOR LICENSE APPLICATION

Chairman Brock called for a public hearing on this matter. Protests have been received and the Sheriff's Office requested additional time to process their protest. Motion was made by Supervisor Stapley,

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seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to continue the following liquor license to the December 3, 2003, meeting.

- a) Application filed by Eric Ray Floyd for a Person-to-Person Transfer of a Series 6 Liquor License from Marianne Hagman, Agent, and a Transfer-of-Location Transfer: (Continued from meeting of November 5, 2003.) (LL6102)

CONTINUED

Business Name: Thunder Pass Food & Spirits
Location: 9303 East Apache Trail, Mesa
Former Location: 6933 North 7th Street, Phoenix

EXPENDITURE BUDGET TRANSFERS

In accordance with ARS §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to authorize FY 2003-2004 expenditure budget transfers from the General Government General Fund Reserved Items (100-470-4711) for Rule 8 (\$1,494,383) and Rule 15 (\$465,507) to the County Attorney's Office (190) General Fund (100). Approval of this action (totaling \$1,959,890 for seven months) will allow the County Attorney to address increased costs related to Rule 8 and Rule 15 of the Arizona Rules of Criminal Procedure to hire additional staff. The \$2,581,484 annualized impact of this request for FY 2004-2005 will include \$2,002,455 for Rule 8 and \$579,029 for Rule 15. (C19040198) (ADM400-003)

TRANSFER FROM APPROPRIATED FUND BALANCE

In accordance with ARS §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve and authorize the transfer of \$34,000 from Appropriated Fund Balance (480) General Fund (100) Reserved Contingency (4811) line item "Technology Projects" to a new line in Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) entitled "County Attorney Software". Approval of the above actions will allow the County Attorney's Office to purchase software tools and programs to support the development of County Attorney Information Systems (CAIS) case management software applications and the development environment. (C19040208) (ADM400-003)

CANVASS OF ELECTION RETURNS FOR NOVEMBER 4, 2003. HEALTH DISTRICT FORMATION ELECTION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to accept the canvass of election returns for the November 4, 2003, Health District Formation Election in accordance with the Official Results prepared by the Maricopa County Elections Department. (C21040067) (F23121)

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH PIMA COUNTY SHERIFF'S DEPARTMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Amendment No. 3 to the Intergovernmental Agreement between Pima County Sheriff's Department and the Maricopa County Sheriff's Office, resulting in an increase of \$1,500 to the amount for the Joint Drug Intelligence Group (JDIG) of the HIDTA Methamphetamine Task Force. The total IGA will increase from \$394,872 to \$396,372. This action does not require a budget adjustment. The term of this grant is October 1, 2001, through December 31, 2003. (C5002069303)

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CHANGE ORDER TO GOVERNOR'S OFFICE OF HIGHWAY SAFETY, DUI TRAFFIC ENFORCEMENT PROGRAM GRANT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Change Order No. 2 from the Governor's Office of Highway Safety, DUI Traffic Enforcement Program, to extend the grant period to December 31, 2003. The original term was October 1, 2002, through September 30, 2003. There is no financial impact with this item. (C5002088302)

DONATION FROM KACHINA KENNEL CLUB

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the acceptance of a \$1,550 donation from Kachina Kennel Club for the sole use of the Sheriff's Office K-9 Unit for items deemed necessary. (C5004033M) (ADM3916)

MEMORANDUM OF UNDERSTANDING WITH THE DRUG ENFORCEMENT ADMINISTRATION (DEA)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the Memorandum of Understanding between the Maricopa County Sheriff's Office (MCSO) and the Drug Enforcement Administration (DEA), regarding the use and storage of equipment at the Maricopa County HIDTA facility in Phoenix, Arizona. MCSO, as administrator of the Clandestine Laboratory Core Group of the Maricopa County High Intensity Drug Trafficking Area (HIDTA), along with DEA provide mutual support and cooperation in their respective activities relating to disrupting the clandestine manufacture, distribution and use of illegal narcotics in Arizona. (C50040342)

DONATION FROM DEPARTMENT OF DEFENSE AND ADDITION TO THE FLEET OF ONE CHEVROLET CARRYALL SUBURBAN

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve a donation from the Department of Defense and a one-time addition to the Sheriff's Office Fleet of one 1986 Chevrolet 9-passenger carryall Suburban that has 61,200 original miles and is valued at \$3,500. The Sheriff's Office will use this vehicle primarily for Search and Rescue Operations. This is a temporary addition to fleet and will be retired at the end of its useful life with no funding from the General Fund for replacement, and the county's fleet will automatically be reduced. The annual estimated operation cost is \$4,500 and will be paid from Enforcement Support. (C5004035M) (ADM3104)

ADDITION TO THE FLEET OF TWO 2003 FORD VANS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve a permanent addition to the Sheriff's Office Fleet of two vehicles, 2003 Ford Vans, acquired with Jail Enhancement Funds that will be used by Aviation's Fixed Wing Unit to transport prisoners to and from the airport for extradition flights. Estimated fuel, repair and maintenance for each vehicle will be \$4,000 per year. General funds will be used to operate these vehicles. (C5004036M) (ADM3104)

INCREASE IN GRANT FUNDING FROM U.S. DEPARTMENT OF HOMELAND SECURITY, OFFICE FOR DOMESTIC PREPAREDNESS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve acceptance of an increase of \$73,816 in grant funding from the U.S. Department of Homeland Security, Office for Domestic Preparedness, with the Arizona Division of Emergency

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Management acting as the pass through agency, from \$201,000 to \$274,816. This funding provides for the purchase of personal protective equipment for first responders, to aid in combating terrorism. The estimated term is July 1, 2003, through June 30, 2005. This amendment requires a budget adjustment increasing the Sheriff's Office Grant Funds (251) revenue and expenditure levels for FY 2003-2004 by \$33,856. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C5004502301)

EXPENDITURE APPROPRIATION ADJUSTMENT AND TRANSFER FROM APPROPRIATED FUND BALANCE

In accordance with ARS §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve and authorize an expenditure appropriation adjustment reducing General Government (470) Detention Fund (255) Reserved Contingency (4711) line item, "New Facility Operating Costs," by \$598,847 and increasing the Sheriff's Office (500) Detention Fund (255) appropriation by \$598,847 (\$495,993 annualized). Also approve and authorize the transfer of \$12,227,548 from Appropriated Fund Balance (480) Detention Fund (255) Reserved Contingency (4811) line item, "New Facility Start-up Costs," to a new line in Detention Fund Other Programs called, "Sheriff's Office New Detention Facility Start-up." (C50045128) (ADM3900-003)

FY 2003-2004 GRANTS FOR ADULT PROBATION DEPARTMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to accept the FY 2003-2004 grants for the Adult Probation Department of the Judicial Branch. For FY 2003-2004 we anticipate accepting seventeen new grant awards for \$4,883,559 and carrying over balances of \$1,495,245 on ten previously accepted awards. Accepting these grants will necessitate an increase to Adult Probation's grant agency revenue and expenditures in the amount of \$348,859. (C11040043)

FY 2003-2004 GRANTS FOR JUVENILE PROBATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to accept the FY 2003-2004 grants for the Juvenile Probation Department of the Judicial Branch and increase the Juvenile Probation Department's FY 2003-2004 budget by \$2,782,093 (Agency 271). (C27040113)

FY 2003-2004 GRANTS FOR TRIAL COURT ADMINISTRATION DEPARTMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to accept the FY 2003-2004 grants for the Trial Court Administration Department of the Judicial Branch in the amount of \$2,975,164 total. (C38040093)

TRANSFER IN REVENUE AND EXPENDITURE AUTHORITY

In accordance with ARS §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the transfer of \$60,000 in revenue and expenditure authority between the General Government (470) General Government Grants Fund (249) and the Public Defender Office (520) Fill the Gap Fund (262). This action will require an appropriation adjustment decreasing the FY 2003-2004 General Government Grants Fund (249) revenue and expenditures by

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\$60,000 and increasing the FY 2003-2004 Public Defender Fill the Gap Fund (262) revenue and expenditures by \$60,000. These adjustments will result in a Countywide net impact of zero. In addition, approve the transfer of \$200,000 from the General Government (470) General Government Grants Fund (249) and the Public Defender Office (520) Fill the Gap Fund (262). This action will require an appropriation adjustment decreasing the FY 2003-2004 General Government Grants Fund (249) expenditures by \$200,000 and increasing FY 2003-2004 Public Defender Fill the Gap Fund (262) expenditures by \$200,000. (C52040018) (ADM200)

PERSONNEL AGENDA

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. (List on file in the Clerk of the Board's Office.)

MANAGEMENT INCENTIVE PROGRAM PERFORMANCE PLAN FOR THOMAS P. MANOS, CHIEF FINANCIAL OFFICER

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a Management Incentive Program Performance Plan for Thomas P. Manos, Chief Financial Officer, for FY 2003-2004, in compliance with the Board approved Management Incentive Policy. Funding for this incentive will need to be allocated by the Board of Supervisors from funds in the FY 2003-04 Appropriated Fund Balance Budget-Reserved Contingency-Performance Incentives (100-480-4811) once performance results have been verified in order to issue an incentive award. (C35040060) (ADM3308-002)

#	\$	Criteria
1	\$0	Budget & Fiscal Integrity – Mandatory “Trigger” If target is not successfully accomplished, payment will not be made for achievements in criteria items, 2 through 9. <ul style="list-style-type: none">(a) Agency fiscal year end personnel expenditures at or below 2004 budgeted levels.(b) Agency fiscal year end supply expenditures at or below 2004 budgeted levels.(c) Actual fiscal year end revenue goal will meet budgeted amount of \$10,371,396. (Adjusted for OMB approved reductions due to early termination of leases in the Security Building)
2	\$450	Financial Department - Employee Satisfaction <ul style="list-style-type: none">(a) By June 1, 2004, increase the overall Employee Satisfaction over the FY03 score from 5.96 to 6.00(b) By June 1, 2004, the Individual Satisfaction score for the Director must meet or exceed 6.00.
3	\$450	Implement Employee Gainsharing Program for one or more departments within the Finance Constellation <ul style="list-style-type: none">(a) Seek Board approval by December 17, 2003. Program will be effective 01/01/04 through 06/30/04.(b) This does not include the Finance Court Collection's Program, which is already implemented.

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- 4 \$450 Finance Constellation - Fiscal Integrity**
 (a) By June 1, 2004, have responses and/or corrective action plans for all June 30, 2003 Auditor General recommendations.
 (b) By June 1, 2004, have responses and/or corrective action plans for all financial functions arising from Internal Audit recommendations.
- 5 \$450 Human Services Campus Bank Financing**
 (a) By June 1, 2004, obtain bank financing for full completion of the Human Services Campus, without incurring additional county cost, added future financial exposure or future liability.
- 6 \$3,000 Financial Oversight to MIHS**
 If the voters enact the creation of the "Special Health Care District" (SHCD), the achievement of items (a) and (b) are required. If not, only the achievement of item (a) is required.
 (a) Provide financial oversight to MIHS through monthly meetings, ensuring the accuracy of the financial statements or notifying the Board of Supervisors of uncertain financial issues. This includes evaluating the cash position and solvency of the system and making recommendations to the Board of Supervisors to resolve fiscal issues.
 (b) Transfer of assets and liabilities from the County MIHS to SHCD, and oversee an independent audit of those assets/liabilities. Make recommendations to the Board of Supervisors through a coordinated process with OMB, HCM and MIHS.
- 7 \$300 PAS Code Oversight**
 (a) Effective January 1, 2004, ensure that all transactions (payroll and non-payroll) will be charged to PAS codes established in the County's chart of accounts.
 (b) Monitor and correct any transactions lacking PAS code prior to each applicable month end close subsequent to January 1, 2004.
 (c) As the County migrates to PeopleSoft on January 1, 2004, all payroll transactions will interface with appropriate PAS coding. These transactions will be monitored and corrected.
- 8 \$450 IDA Investment Income**
 (a) By June 1, 2004, increase the FY2003 IDA investment income of \$276,737 by 10%, adjusted for disbursements to the Human Services Campus.
- 9 \$450 IDA Operating Income**
 By June 1, 2004, increase IDA operating income by 10% over the FY 2003 operating income of \$969,201.

RENEWAL OF AFFILIATE EMPLOYER AGREEMENT ON BEHALF OF ARIZONA ASSOCIATION OF COUNTIES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the renewal of the Affiliate Employer Agreement to offer and administer health insurance benefits (medical, dental, behavioral health/substance abuse and vision) on behalf of the Arizona Association of Counties (AACo) with an increase in the administrative cost from 3% to 5%. ACCo will pay

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5% over the total premium. The additional 2% difference will be used to offset the increasing administrative costs. This is an amendment to Agenda Item C31010021, which was approved on July 26, 2000. (C35040191)

RENEWAL OF AFFILIATE EMPLOYER AGREEMENT ON BEHALF OF MARISOL FEDERAL CREDIT UNION

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the renewal of the Affiliate Employer Agreement to offer and administer health insurance benefits (medical, dental, behavioral health/substance abuse and vision) on behalf of MariSol Federal Credit Union (formerly Maricopa County Employees Federal Credit Union) with an increase in the administrative cost from 3% to 5%. MariSol Federal Credit Union will pay 5% over the total premium. The additional 2% difference will be used to offset the increasing administrative costs. This is an amendment to Agenda Item C31000281 which was approved on March 1, 2003. (C35040201)

REVISIONS TO COMMUNITY DEVELOPMENT ADVISORY COMMITTEE BY-LAWS AND POLICY MANUAL

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve revisions to the Community Development Advisory Committee (CDAC) By-Laws and Policy Manual to add oversight of the Urban County Home Investment Partnerships (HOME) Program. (C1797077602) (ADM1501)

**COMMUNITY DEVELOPMENT ADVISORY COMMITTEE (CDAC)
BYLAWS AND RULES OF PROCEDURES
PREFACE**

The Community Development Advisory Committee (CDAC) was created by the Board of Supervisors to act in an advisory capacity on matters concerning the Maricopa County Community Development Block Grant (CDBG) Program and the Maricopa County HOME Investment Partnerships (HOME) Program. The CDAC makes recommendations to the Board of Supervisors regarding project selection, funding allocation, and program implementation. The CDAC approves all reprogramming requests.

The CDAC is also the body officially charged by the Maricopa County Board of Supervisors to act as the medium for citizen advice and comment concerning CDBG plans and decisions.

**BYLAWS AND RULES OF PROCEDURE
FOR MARICOPA COUNTY
COMMUNITY DEVELOPMENT ADVISORY COMMITTEE**

The Community Development Advisory Committee (CDAC) was created by the Board of Supervisors to act in an advisory capacity on matters concerning the Maricopa County Community Development Block Grant (CDBG) program and the Maricopa County HOME Investment Partnerships (HOME) Program, including fair housing and housing affordability issues effecting low/moderate income people. It shall be a standing committee for the duration of the Maricopa County CDBG and HOME Programs. It shall be organized and function in such a manner to allow continuity of effective involvement of participating Cities and Towns and the citizens organizations throughout all stages of the these programs.

ARTICLE I - DUTIES AND RESPONSIBILITIES

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1. The Committee is given the responsibility of developing the citizen participation plan and overseeing the implementation of the plan.
2. The Committee will participate in developing CDBG and HOME applications and related documents and will advise the Board of Supervisors on actions that should be taken regarding these documents.
3. The Committee shall advise the Board of Supervisors on policy decisions regarding program implementation.
4. The Committee shall participate in assessing all aspects of the County's CDBG and HOME performance including the performance of the County's subrecipients and contractors.

ARTICLE II - MEMBERSHIP

The Committee will be composed of members appointed in the following manner:

1. Each Supervisor will appoint two District members and alternates from his/her district.
 - a. Each District member appointed by the Supervisor must not be an elected official of any city/town participating in the block grant program.
2. The governing board of each City or Town participating in the CDBG and HOME programs will appoint one elected official and alternate to serve on the Committee. Only another elected official from the same municipality may serve as alternate for an elected official. These members are then formally appointed by the Board of Supervisors.
3. The appointments shall be made at the beginning of the program year. All appointments shall be for the duration of the respective program year.
4. A member can be removed from the Committee by the body who appointed that member either at the members request, at the appointing body's initiative, or at the request of two-thirds (2/3) of the entire Committee.

ARTICLE III - MEETINGS

1. Regular meetings of the Committee shall be held as scheduled on the second Wednesday of each month.
2. Special meetings of the Committee may be held at the request of the Chair or by consent of the majority. All members shall be notified at least 48 hours before the time set for a special meeting.
3. All meetings and hearing of the Committee shall be open to the public. Written minutes shall be kept of all public meetings and hearings and shall be of public record.
4. A quorum of the Committee shall consist of a simple majority of members who are in fact appointed to the Committee. A quorum is necessary for the transaction of any business.
5. All votes taken by the Committee shall be by voice vote or by roll call.

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6. All meetings shall be conducted according to Roberts Rule of Order as amended. In any case where there is conflict between these Bylaws and Roberts Rules of Order, these Bylaws shall control.

ARTICLE IV - OFFICERS

1. The Chair shall have the following duties:
 - a) Preside at meetings of the Committee.
 - b) Shall appoint all sub-committees.
 - c) Shall have general supervision of the conduct of the affairs of the Committee.
 - d) Shall participate in the voting process, and may participate in discussion of any matters.
 - e) Shall rule on all procedural questions.
 - f) Shall call for the question upon all matters being considered by the Committee, but only after all interested parties and all Committee members have had a reasonable opportunity to be heard.
 - g) If large numbers of people are present and wish to be heard, the Chair may limit the time each person is permitted to speak, provided that such procedure shall nonetheless result in a full hearing on all relevant issues.
 - h) The ruling of the Chair shall be subject to reversal by a majority of the Committee members present.
2. Vice Chair: The Vice-Chair shall perform the duties of the Chair during the absence or disability of the Chair, In the event that both the Chair and Vice-Chair are absent, then the members present shall choose one from among their number to be Chair pro-tem for the day's meeting.
3. Election of Officers: The Chair and Vice-Chair of the Committee shall be elected annually by the members of the Committee at the beginning of each program year and shall not be from the same city or town.
 - a) Any vacancy in the office of the Chair or Vice-Chair of the Committee may be filled by the members of the Committee at any regular meeting or special meeting called for such purpose after such vacancy has occurred.
 - b) A Chairman may serve two consecutive terms if duly re-elected by the Committee.

ARTICLE V - SUBCOMMITTEES

1. The Chair shall appoint such subcommittees as may be deemed necessary or advisable.
2. Each subcommittee will appoint one member to serve as the subcommittee Chair. The Chair or Vice-Chair of the Committee may serve as ex-officio members of all subcommittees.
3. Reports, recommendations and minutes of all meetings of each subcommittee shall be made in writing and the original copy thereof shall be filed and become a part of the records of the Committee.

ARTICLE VI - AMENDMENTS OF BYLAWS AND RULES OF PROCEDURE

The foregoing Bylaws and Rules of Procedures, or any part thereof, may be amended at any meeting of the Committee after not less than ten (10) days notice has been given to all members of the Committee.

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It shall require the concurring vote of not less than a quorum of the members to make any amendment of change in these Bylaws.

ARTICLE VII - CONFLICT OF INTEREST

No member of CDAC may use his or her position on the Committee for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves or specific others, particularly those with whom they have family, business or other ties. Any member who feels that personal reasons may unduly prejudice his/her decision shall disqualify himself/herself without reason or suggestions of his/her interest and take no part in discussion or voting on this matter.

Adopted by the Community Development Advisory Committee on January 3, 1979. Recorded with the Clerk of the Board on January 31, 1979.

Amended by Community Development Advisory Committee on December 15, 1982.

Amended by Community Development Advisory Committee on May 21, 1986.

Amended by Community Development Advisory Committee on October 18, 1989.

Recorded with the Clerk of the Board on December 5, 1989

Amended by Community Development Advisory Committee on November 15, 1990. Recorded with the Clerk of the Board on November 29, 1990.

Amended by Community Development Advisory Committee on June 9, 1993.

Recorded with the Clerk of the Board on December 15, 1993.

Amended by Community Development Advisory Committee on November 12, 1997.

Recorded with the Clerk of the Board on November 22, 1997.

Amended by the Community Development Advisory Committee on October 8, 2003.

Recorded by the Clerk of the Board on November 19, 2003.

**MARICOPA COUNTY
COMMUNITY DEVELOPMENT BLOCK GRANT
CDAC/BOS POLICY MANUAL**

The following policies have been adopted by the Maricopa County Community Development Advisory Committee and Board of Supervisors to guide the operation of the Maricopa County Community Development Block Grant (CDBG) program and the Home Investment Partnerships (HOME) Program funded by the U.S. Department of Housing and Urban Development (HUD).

Policies may be reviewed and amended as circumstances change or new HUD regulations preempt the topic. The date of adoption of each policy is given in brackets [] at the end of its statement, and an up-to-date edition of the policy manual will be available from Community Development Department (CD).

The procedures (forms, contracts, reporting requirements, sequence of steps, etc.) that carry out the policies are in the Agency's Administrative Manual, and its Rehabilitation Program(s).

The organization of the policy manual is based on the current HUD regulations, 24 CFR Part 570, that governs the CDBG Program and 24 CFR Part 92, that governs the HOME Program.

GENERAL POLICIES/APPLICATIONS

A. Waiver Policy

CDAC and/or the Board of Supervisors may waive any policy in the manual, unless otherwise stated, not required by statute or HUD regulation whenever it is determined that undue hardship

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will result from applying the policy and where application of the policy would adversely affect the purposes of the Housing and Community Development Act of 1987 and the National Affordable Housing Act of 1990. [06/97]

B. Citizen Participation

Incorporated cities/towns shall hold at least one public hearing to obtain views of citizens on the municipality's housing and community development needs and development of its 5-year Consolidated Plan, Annual Action Plan or any amendments to those plans.

Each applicant for CDBG and HOME funds must document that a maximum feasible effort has been made to furnish citizens (particularly Low/Mod income citizens) within its jurisdiction information about CDBG/HOME grants. The information must include the national objectives and the range of activities that may be undertaken with the funds.

Each applicant must document that a maximum feasible effort has been made to include its citizens and particularly its low/mod citizens in the selection and design of the proposed project. [12/90]

C. Applications for Funds

Applications for CDBG/HOME funds will be accepted once a year, except that applications for urgent need projects may be submitted at any time. Applications will be limited to 3 per applicant and will be prioritized by the applicant. In general, applicants are expected to address needs identified as "high" in their 5-year plan before addressing "medium" needs.

Incomplete applications will not be accepted.

Applications will not be accepted from current subrecipients who are not up to date with their monthly reports.

Applications for CDBG will not be accepted from applicants in violation of the 1.5 (Timely Implementation) Rule. There will be no waiver to the 1.5 Rule. Refer to Section 501.A. [06/97]

Successful applicants will be expected to honor written commitments made on the application.

D. Establishing Priorities (Guiding Principles)

CDAC maintains that it is appropriate for communities to establish their own needs and priorities and identify them in the 5-yr. Consolidated Plan. Communities must be able to back up their decisions with hard data. It matters not whether activities to address the established needs and priorities are carried out by contracts with the communities or contracts with non-profits working within the communities. If communities wish to fund priorities which they have identified as "medium" in their 5-year plan and those priorities identified as "high" have not been completely addressed, those communities must explain their reasoning or amend their plan. "Low" priority projects will not be considered for funding. Generally "high" priority projects will take precedence over "medium" priority projects.

Priority needs in unincorporated areas are determined by local and county planning documents, which are created with as much local participation as possible.

CDAC will not establish priorities between types of projects. In general, the relative needs and resources of all communities, incorporated and unincorporated, at the time of application will be

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considered. This may mean that health and safety projects will take precedence over recreational projects at times, but many other factors need to be considered, so this will not be a hard and fast rule.

Permanent, one-time projects will, in most cases, take precedence over continuing projects that tend to become dependent on the fund source and request funds every year. [06/97]

E. Targeting Low Income People

The legislative intent of the CDBG grant is community revitalization. Communities are to plan comprehensively. Elimination of slum and blight activities is an essential component in the total plan of most communities. As long as the total county funding allocations are within the statutory and regulatory requirements, S/B activities will be considered as important as L/M activities.

Area benefit activities such as infrastructure, economic development and public facilities are as important as direct benefit activities. Usually a community needs both as components of a balanced revitalization approach.

CDAC acknowledges that some communities have more needs than others; some communities have more l/m people than others and some communities have larger concentrations of l/m than others; also, that some communities have more resources than others. CDAC will not divide up the dollars evenly between communities. CDAC will genuinely look at the whole picture, from the plan, to the resources, to quality of proposed projects. CDAC will continue to follow its consolidated plan and address the priority needs of the County's l/m population and revitalization strategies. CDAC will not give priority to one l/m group over another. The philosophy is that the l/m population of "City A" is just as deserving of services as the l/m population of "City B" even though the concentration of l/m or total numbers of l/m may vary greatly among cities. Each project submitted will be judged within the context of the plan and total needs and resources of the community at the time of application. [06/97]

F. Leveraging Funds

Leveraging is defined as "using grant funds in order to acquire other funding". Simply securing other resources for needed activities is not considered leveraging. Leveraging will be considered when making funding decisions. The relative capabilities (as HUD recommends) of the communities will be considered when making funding decisions. [06/97]

G. Other Funding Considerations

One-time projects, creating a relatively final solution will take precedence over continuing services. No service project should expect to receive funds from CDBG every year.

CDAC acknowledges that needs are created when HUD or other federal agencies cut back or eliminate funding. At the same time, CDAC agrees with HUD's local planning concept. Local residents are presumed to know their problems best and also presumed to know best how to address these problems. It is CDAC's opinion that the communities should stick with their local plans in making funding decisions. It is also CDAC's opinion that requests to take up the slack in programs that have been reduced by federal action should best be addressed by those federal agencies that created the problem.

Therefore, it is CDAC Policy to plan well and stick to the plan when making funding decisions. [06/97]

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H. Summary Of Funding Considerations

The following items, listed in order of priority, will be considered in making funding decisions. Other relevant issues may also be considered. No point system will be used.

1. Good performance includes: timely expenditure records, quality and timeliness of monthly reports, monitoring reports, demonstrated specific planning, addressing priorities, achieving goals, documentation of positive impact of prior funded projects, history of changes – requests for reprogramming/contingency.
2. Quality of project:
 - a. Final Solution vs. band-aid approach, or continuing service.
 - b. Projects that lead to Self-Sufficiency, not continual funding.
 - c. Cost/benefit ratios
3. Need: Time Sensitivity; High Priority - Mission of Community; County; CD Program.
4. Other resources available.
5. Appearance at public hearing/accuracy of presentation
6. Citizen support.
7. Timeliness - Projects that can be implemented within 90 days of Release of Funds (ROF) and completed within 1 yr.
8. Priority among project applications (CDAC will not change community priorities).
9. Leveraged Funds.
10. Avoidance of situations where the amount of grant funds is very small in relationship to total funding.
11. Regional projects, especially in unincorporated areas. [06/97]

ELIGIBLE PROJECTS

A. 5-Year Consolidated Plan

Projects will be considered for funding only when they are consistent with the Maricopa Urban County Consolidated Plan or Maricopa Home Consortium Consolidated Plan. These plans reflect the needs and priorities of the cities and towns and unincorporated jurisdictions.

B. Operation and Maintenance (O&M)

As a prior condition to being considered for CDBG funds, any applicant proposing a project which will require upkeep and maintenance must provide reasonable proof of the applicant's ability to cover all operation and maintenance (O&M) costs of the facility through the five years following final receipt of any CDBG funds (for any purpose). [6/89] In unincorporated areas, projects may need to have O&M commitment letters from other County departments (ie, street projects – MCDOT; parks – Parks Dept.)

C. Public Facility Projects

Public facility projects (buildings) will be funded only in those cases where ownership may be conveyed to incorporated cities and towns, the County or a special district is formed for O&M.

The development of regional facilities shall be preferred over local ones in unincorporated areas or areas where the service population is scattered and needs can be served on a regional basis (e.g., youth centers). [12/90]

D. Projects Not Located in the Urban County

When a proposed facility, construction, expansion or service, is intended to serve low/moderate residents of the Urban County, but is not expected to be physically sited in the Urban County, the

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project proponent must document, to CD satisfaction, each of the following points prior to release of funds:

1. The need for the proposed service in that part of the Urban County; and
2. The rationale for locating the facility as proposed; and
3. A realistic program showing that, upon completion of the facility, low/mod Urban County residents using the facility will comprise approximately the same percent of total users that Urban County CDBG funds comprise as a percent of the total construction costs. [4/85]

E. Joint Requests With Other Entitlements

Whenever a CDBG project is proposed by/or with a municipality in a different CDBG entitlement area, the Community Development Department (CD) will require an Intergovernmental Agreement (IGA). Funding joint requests will follow the same proportional funding rule as #3 above. [06/97]

REHABILITATION

A. Standard Rehabilitation Program

All rehabilitation of single family privately owned structures will be done in conformance with standard policies and procedures designed and maintained in the Housing Program Section incorporated in the CD Administrative Manual on CD-ROM.

Housing rehabilitation programs to be supported with CDBG/HOME shall have a well-defined "Housing Program Design" with specific goals, objectives and costs, on file with CD. Subrecipients with continuing housing programs must also have a "Housing Program Impact Statement", to track the history and impact of those programs on the community, which must be updated annually.

B. Commercial Rehabilitation - Revitalization Plan

Commercial rehabilitation may be supported with CDBG funds only in target areas for which a revitalization plan has been formally adopted by the municipality. [06/97]

SPECIAL ECONOMIC DEVELOPMENT (CDBG)

A. Assistance to For-Profits

The provision of CDBG assistance to a for-profit business shall be limited to loans, the proceeds of which to be negotiated between the subrecipient, the business and CD. CD shall provide the criteria upon which to negotiate the loan. The loan to the for-profit must be approved by both CD and the BOS. [06/97]

B. Coordination With Other County Programs

For job creation projects, subrecipients shall enter into written agreements with the business, or the business with Maricopa County CD, to ensure that "first consideration" be given to the hiring of low and moderate income persons for the jobs available. CD shall encourage that the recruitment of low-income persons be coordinated with Maricopa County Department of Human Services and other local job training and placement entities.

C. Reinvestment of Funds

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CD shall encourage the recapturing and reinvestment of CD funds granted or utilized in support of jobs creation activities by private for-profit enterprises. [06/97]

ADMINISTRATIVE COSTS PROCEDURES

- A. Subrecipient Contributions
Subrecipients are to use other sources of funds for administrative costs. [06/97]
- B. Timely Expenditures
All Administrative funds must be expended by the end of the program year in which they were allocated or reprogrammed. [10/86]

NATIONAL OBJECTIVES

- A. Determination of Low/Moderate Income Area Benefit
U.S. Census Data must be the primary basis for defining low/moderate income benefit. Other sources (if approved by HUD) may be used to substantiate low/moderate income benefit. [6/89]
- B. Slum and Blight
To qualify for CDBG funds for the purpose of eliminating slum and blight, the area proposed to receive CDBG assistance must first be designated as a blighted or deteriorating area by the municipalities according to Arizona Revised Statutes. All documentation is subject to approval by CD. [6/89]
- C. Urgent Need
Urgent need projects must respond to conditions that present an immediate threat to the health or welfare of the community as documented by the appropriate county or state official. [6/89]
Applications submitted under this national objective will be forwarded to local HUD office for final determination on whether it meets the criteria for urgent need before application will be reviewed by CD staff and presented to CDAC.

AMENDMENTS TO PLANNING DOCUMENTS

- A. Planning
Subrecipients and project applicants are strongly encouraged to thoroughly plan projects in order to ensure feasibility, timely implementation and to minimize plan amendments and reprogramming of funds. [6/89]
- B. Citizen Participation/Substantial Change
Citizen participation will be required prior to all Plan amendments.

Prior to requesting a reprogramming action, which meets the above criterion, each incorporated city/town shall provide citizens with reasonable notice of, and opportunity to comment on, the proposed change. This shall be done according to the Arizona Open Meeting Law.

All reprogramming requests from incorporated areas shall be accompanied by a certification that the citizen participation process has occurred.

CDAC shall serve as the citizen participation forum for requests from all other subrecipients, including the unincorporated areas. [1/89]

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C. Amendments to Consolidated Plan

Amendments to the CP will be accepted once a year at a time to be established. Such time will allow for CDAC and BOS approval prior to submission to HUD before May 15. The Criteria for Amendments to the Maricopa County Consolidated Plan are outlined in the current Citizen Participation Plan. The process for jurisdictions is outlined in the Maricopa County Policy/Procedure CD-ROM.

All communities are required to solicit citizen input whenever their 5-year or 1-year plans are amended according to the Maricopa County Citizen Participation Plan and above policies and procedures.

D. Reprogrammed/Rescoped Funds (by Subrecipients) (CDBG Only)

Reprogramming by the subrecipient means moving funds from one of the subrecipient's approved CDBG grants (projects) to another, without changing the total amount awarded to that subrecipient by the Board of Supervisors.

Funds in excess of \$5,000 may be reprogrammed to supplement previously approved CDBG activities only if approved by the Community Development Advisory Committee upon certification by the CD Director that the reprogrammed activity is in compliance with the 5-year plan and in conformance with prevailing Federal and County policies and regulations. Board of Supervisors action is not required for reprogramming requests if resulting contracts are increased no more than ten percent (10%). Funds under \$5,000 may be reprogrammed administratively. [06/97]

In a reprogramming/rescoping action, the subrecipient is moving funds from one of its approved CDBG grants to another or altering the original quantity or dimension of work to be done, without changing the total grant amount allocated to the subrecipient by the Board of Supervisors.

REPROGRAMMING/RESCOPING GUIDELINES

Requests for reprogramming/rescoping must be well documented in writing, including clear descriptions of the following: [06/97]

- 1) the sequence of steps and decisions leading to the request;
- 2) the current justification for the request;
- 3) the precise changes in the budget and scope of work;
- 4) any change in impact on project beneficiaries;
- 5) the reprogramming request must meet all the standards of an initial application for CDBG funds (if the action involves new program activity that was not described in either of the relevant grants, a new application must be completed); and
- 6) certification that citizen participation requirements have been met by having at least one public hearing plus any other citizen input methods the subrecipient chooses to utilize. CDAC shall be the public hearing body for unincorporated areas. [1/89]

Reprogramming/rescoping may result in an amendment to the Annual Plan. Consult the Administrative Manual (CD-ROM) for additional guidance.

If this information is not supplied in a complete and timely fashion, the bids on which the request is based may lapse and the project will have to be re-bid, or unnecessarily delayed in some other fashion.

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Written requests should be submitted to CD by the Monday two (2) weeks prior to the CDAC meeting. Bid openings should therefore be scheduled to occur approximately three weeks prior to the CDAC meeting, to give the local staff adequate time to prepare the request. [06/97]

E. Contingency (CDBG Only)

The contingency fund is for those costs exceeding the original subrecipient grant amount which could not have been anticipated at the time of grant award, and for those unpredictable costs of an "emergency" or "urgent need" nature.

When any project, except continuing rehabilitation projects, is complete or cancelled, any unexpended funds shall be returned to contingency. Subrecipients may minimize the return of unspent funds by planning carefully, leveraging other funds and using bid alternates.[06/97]

CDAC will insure that there is at least 8% (preferably 10%) of the new years grant in contingency on July 1, of any fiscal year.

In determining the amount that can be taken from contingency during the program year, CDAC shall consider the numbers, types and status of existing contracts, as well as the timing during the funding cycle. The amount maintained in the contingency fund shall be reasonable in relation to the total costs of all projects.

Completion of existing projects shall always take precedence over initiating new projects during the program year.

In the unlikely event that contingency should grow to more than 10% of the total of all allocated (nonclosed-out projects) funds, CDAC may consider funding underfunded projects from the most recent application process. [06/97]

F. Requests for Contingency

Requests for contingency funds will be honored only when the lowest, best qualified bid for cost overrun based upon the approved scope of work (a) has not yet been formally accepted, and (b) it is clearly above the limit set aside in the approved CDBG grant.[11/83]

Beginning with July 1, 1997 requests for contingency will not be accepted from applicants in violation of the 1.5 Rule.

Requests for contingency will not be accepted from subrecipients, who are not current with their monthly reports, which must be accurate and meaningful.

All requests for contingency will be processed within the requirements of the Maricopa County Procurement Code, which will if over 10% of total MIA amount require Board of Supervisors' approval. Subrecipients who administer their own projects and request in excess of \$5,000 must also receive prior review by CDAC. Contingency requests under \$5,000 may be approved administratively. Funds not expended in implementing a CDBG project are to be returned to the contingency fund. [06/97]

Requests for contingency must be documented on the prescribed form, including descriptions of the following:

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- 1) the sequence of steps and decisions leading to the request;
- 2) the current justification for the request; and
- 3) the precise changes in the budget and scope of work;
- 4) the total of any unused funds from all previous years;
- 5) the total amount the applicant is contributing to the request;

Written requests should be submitted to CD by the Monday two weeks prior to the CDAC meeting. [06/97]

G. Contingency Request for new Project

Contingency funds are to be used for ongoing projects according to current established policy. (See CDAC Policy Manual) New projects that are time sensitive may also be considered for funding with contingency dollars during the program year.

Projects unlikely to be considered for funding through contingency are those projects that are not "bricks and mortar" oriented (e.g. Consulting Services) and projects that are deemed not "Time Sensitive" (could go through normal application process), and projects that are not listed as a high priority in the Consolidated Plan.

Projects that will not be considered for contingency funds are those projects that were applied for previously, through the regular process or contingency, within the last 12 months and denied; and, those projects that do not meet the time frame of submitting to CD staff the request information by the Monday two weeks prior to the scheduled CDAC meeting. Additionally, projects that are formally requesting a sum, regardless of purpose, that exceeds 30% of the funds currently in contingency at the time of the request, will not be considered.

CDAC Contingency Subcommittee, which consists of two municipal CDAC representatives, two district CDAC representatives and the CDAC Chairperson, shall meet on the day of the CDAC meeting to make recommendations regarding which new project contingency requests will be acted upon at the CDAC meeting. Staff will place the request on the CDAC Agenda in case the Subcommittee recommends bringing the request to the whole body. [06/96]

PROJECT IMPLEMENTATION

A. Timely Implementation

Implementation of projects, including design development and/or construction shall commence not later than 90 days after the beginning of the program year in which the project activity was funded. If the 90-day commencement date is not met or whenever a subrecipient's implementation of a project lags the contractual project schedule by 90 days or more, the subrecipient will be required to submit in writing to CDAC the reasons for failure to implement the project within the stipulated time frame. In addition, the subrecipient must present a corrective action plan that ensures timely implementation. In the event of reprogramming, implementation shall commence within 90 days of the approval of the reprogramming by the Community Development Advisory Committee (CDAC). If implementation of the approved project is determined not feasible, reprogramming of the project funds to other eligible and feasible program activities will be presented by the subrecipient to CDAC for consideration and action (see 305 Amendments). Should CDAC determine that the subrecipient has failed to provide adequate justification for lack of timely implementation or a reprogramming action, the subrecipient will be considered in non-compliance with the Management and Implementation

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Agreement (MIA). The MIA for that particular project will then be automatically terminated and funds allocated to the approved project will be returned to CD for reallocation.

CD encourages subrecipients and project applicants to thoroughly plan projects to ensure feasibility and timely implementation of projects funded by the Community Development Block Grant and HOME Programs thereby avoiding unnecessary repetitive reprogramming of funds. [06/97]

B. Progress Reports

Monthly Progress Reports are to be complete, accurately reflecting status of the project and are due as specified in the Administrative Manual, for the prior month. Subrecipients are to cc: their CDAC representatives. [06/97]

PROGRAM INCOME

A. Generated Income

Subrecipients must inform CD of any income generated from the use of CDBG/HOME funds. The subrecipient may retain the program income with CD's approval as specified in the MIA and must use the funds only for eligible activities in accordance with all CDBG/HOME requirements as may then apply. CD requires adequate record keeping and reporting by the subrecipient. In the event of close-out or change in status of the participating unit, any program income that is on hand or received subsequent to the close-out or change in status shall be subject to rules which will be agreed to, in writing, by CD and the subrecipient.[6/89]

FAIR HOUSING

CD shall provide Fair Housing Counseling services. All subrecipients are expected to cooperate with this Department in affirmatively furthering fair housing. [10/85]

ENVIRONMENTAL STANDARDS

A. Environmental Review Record

As part of the Environmental Review process for each project, CD staff will be responsible for completing and maintaining the appropriate written record of the Environmental Review undertaken, including the determination for Exemptions, Categorical Exclusions, Environmental Assessments, and Environmental Impact Statements. Subrecipients are responsible for providing specific addresses, scopes of work and other specific detail required in order for CD to initiate the Environmental Review process and Release of Funds. Failure of the subrecipients to provide such information in a timely manner thus causing a delay in the release of funds process shall not be deemed an adequate excuse for violation of the CDAC timely implementation policy. [06/97]

B. Release of Funds

No grant funds may be encumbered or expended prior to the time when the project administrator receives a written statement from CD indicating that funds have been released for that particular project. All funds encumbered prior to CD's release of funds notice and date are the responsibility of the subrecipient and may not be reimbursed with grant funds.

C. Re-evaluation of Environmental Review Record

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For every reprogramming request, the Environmental Review Record must be re-evaluated by the CD prior to the actual expenditure of any grant funds involved in the reprogramming. [10/83]

ACQUISITION AND DISPOSITION

A. Acquisition

The process of acquiring all real property shall be directed by CD staff. To the greatest extent possible, acquisition will be voluntary, and the power of eminent domain used only as a last resort. CD will not pay in excess of 10% of the appraised value of any property. [6/89]

B. Eminent Domain

Should the power of eminent domain be exercised, the municipality and CD will enter into a written agreement outlining the terms and conditions of financial responsibilities for each party. [6/89]

C. Disposition and/or Change in Use

Subrecipients will be required to submit an annual certification, which states that the use of properties funded with CDBG assistance is still eligible for the time period specified in the MIA.

Change of Use of property and disposition of property funded in whole or in part with CDBG funds requires prior approval of CD. [06/97]

AMENDMENTS

Amendments to this document, which are necessitated by federal or local statute or regulation, may be made to this document by staff as required. All other changes to this document require BOS/CDAC approval.

Approved by CDAC	04/09/97
Approved by BOS	06/11/97
Approved by CDAC	04/11/01
Approved by BOS	05/02/01
Approved by CDAC	10/8/03
Approved by BOS	11/19/03

GRANT FUNDING FROM MARICOPA HOME CONSORTIUM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following actions regarding the U.S. Department of Housing and Urban Development's (HUD) October 13, 2003, Notice of Funding Availability (NOFA) for Recaptured Community Housing Development Organization (CHDO) funding.

- a) Approve application and acceptance of a \$500,000 grant with the Maricopa HOME Consortium being the applicant, and if funding is awarded;
- b) Execute agreements or contracts with Community Services of AZ (CSA) for new construction and/or acquisition and rehabilitation for permanent rental housing for the chronic homeless;
- c) Approve match agreements and necessary repayment documents, including but not limited to promissory notes, deeds of trust, forgivable loan agreements, deed restrictions,

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satisfaction of loan documents and other documents as may be necessary to implement the approved project.

Funding to be from HOME and matching funds under the terms and conditions of the executed agreements/contracts. No general funds involved in this action. (C17040650)

APPLICATION FOR TRADE NAMES OF 11 PARKS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Maricopa County Parks and Recreation Department (MCPRD) to apply for the trade names of 11 parks through the Arizona Secretary of State. The need for official names – trade names – includes internal consistency, external control, exclusive naming rights, marketing and promotion, and protection from the business community. The 11 parks and proposed names are:

- Adobe Dam Regional Park (ADM3243)
- Buckeye Hills Regional Park (ADM3217)
- Cave Creek Regional Park (ADM3221)
- Estrella Mountain Regional Park (ADM3224)
- Lake Pleasant Regional Park (ADM3227)
- McDowell Mountain Regional Park (ADM3229)
- San Tan Mountain Regional Park (ADM3233)
- Spur Cross Ranch Conservation Area a Maricopa County Park (ADM3242)
- The Desert Outdoor Center at Lake Pleasant (ADM3248)
- Usery Mountain Regional Park (ADM3236)
- White Tank Mountain Regional Park (ADM3237)

A search of these names was conducted through the Arizona Secretary of State's registered trade name database and no conflict was found. Signs, operational needs, marketing, and promotional items will be changed within routine ordering schedules; thus, no mass expenditure to accommodate these name changes will occur. Per the Maricopa County Policies and Procedures, A 1921 Naming of County Real Property Assets, MCPRD submitted the above request to the Facilities Review Committee (FRC) on October 23, 2003, at which time the FRC approved the proposal. (C3004009M)

DONATION FROM STETSON VENTURE II, LLC

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the acceptance of a donation from Stetson Venture II, LLC (a joint venture between Pulte Homes and US Home) for engineering and construction services valued at \$80,000 in association with relocating a Parks and Recreation Department's irrigation waterline and electrical service near Happy Valley Road and 51st Avenue. (C3004010M) (ADM3200)

FUND TRANSFERS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

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USE OF GENERAL FUND UNRESERVED FUND BALANCE FOR MIHS POTENTIAL LOSSES FOR SHORT-TERM INTER-FUND LOANS TO MIHS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve use of the amount within General Fund Unreserved Fund Balance designated in the FY 2003-2004 Adopted Budget for MIHS Potential Losses for short-term inter-fund loans to the Maricopa Integrated Health System (MIHS), along with the "Cashflow Revolving Loan Agreement" between the County Chief Finance Officer and MIHS. The short-term inter-fund loans are necessary to cover MIHS operating cash shortfalls. Any borrowing that will cause the total outstanding loan amount to exceed \$5 million must be approved by the Board of Supervisors. (C18040148) (ADM2100-003) (ADM1800)

PILOT COMMERCIAL ADVERTISING POLICY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (3-1-1) with Supervisors Brock, Kunasek and Stapley voting "aye" and Supervisor Wilson voting "no" to approve a pilot commercial advertising policy to be tested by the County Assessor's Office for a period of one year from date of approval. If analysis of the pilot results determine that continuation of the policy is advantageous to Maricopa County, the Board of Supervisors will be asked to consider permanently implementing the policy. (Continued from meeting of October 22, 2003.) (C73040036) (ADM631-005)

Supervisor Wilson reiterated his continued concern about the County advertising on the County Assessor's page on the Internet, fearing that some could perceive instances of preferential treatment being shown.

COMMERCIAL ADVERTISING POLICY

A. Purpose

The purpose of this policy is to establish guidelines and requirements for county agencies in offering for sale commercial advertising on county sites determined to be appropriate for this use. This policy is consistent with the law, Maricopa County business strategies, individual department goals, and the efficient and effective delivery of services to Maricopa County citizens.

B. Definitions

Commercial Advertising: means notice given to the public for the purpose of informing the public of an opportunity to purchase goods and/or services from businesses in exchange for a fee paid to Maricopa County.

County Sites: means publications, Internet sites or other documents published by Maricopa County.

County Agencies: means offices or departments within the county organizational structure as defined now and in the future

C. Policy

County agencies may consider selling commercial advertising as a means of generating additional revenue. In determining whether it is appropriate to display commercial advertising the paramount considerations must be the impact upon the residents of this county, the impact on the image of Maricopa

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County and the agency considering advertising, and the cost/benefit of permitting commercial advertising on county sites.

Commercial advertising must not degrade the quality or intended purpose of the county site and will be unobtrusive and would be acceptable on a governmental site. County agencies should attempt to focus commercial advertisement to those commodities or services that are related to the content of the county site. In all instances a clearly visible disclaimer must be present stating that Maricopa County is neither recommending nor endorsing any commercial advertiser or their product.

Commercial advertisements shall not be permitted to appear on statutorily required notices or other documents.

All opportunities for commercial advertisement must be offered through a competitive process and designed to be fair, open and encourage as much competition as is practicable. Materials Management will issue solicitation offering commercial advertising opportunities and negotiation of the final contract. Requests to solicit commercial advertising must be reviewed and approved by either the elected official or the chief officer of the respective County department, or their designee. This approval will signify that the commercial advertising request meets the requirements of this policy.

D. Authority and Responsibility

Requesting Office/Agency

- Identify opportunities for commercial advertising.
- Develop information required for review/approval and issuance of solicitation.
- Identify target vendors who provide the targeted commodity or services directly related to the content of the county site.
- Consult with Office of County Counsel, as required, for advice and direction specific to the county site being considered as a commercial advertising opportunity.
- Forward request to responsible elected official/chief officer.
- Provide assistance to Materials Management, as required, during the solicitation and contract negotiation process.
- Monitor commercial advertising to assure the advertisers maintain required standards.

Elected Officials/Chief Officers

- Shall review all requests for commercial advertising opportunities emanating from within their respective organizations to determine that they meet the guidelines and requirements of this policy.
- Assure that sufficient information is provided to permit approval review, if required, and issuance of solicitation to interested vendors.
- Forward approved requests to the next level of approval as defined in the approval process contained in this policy.

Office of the Chief Information Officer

- Review all requests for commercial advertising to be placed on the county Internet to determine system and operational requirements.
- Clarify requirements with office/department submitting commercial advertising request.
- Forward approved requests to the next level of approval as defined in the approval process contained in this policy.

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Office of County Counsel

- Provide legal advice and direction as required to support this policy.

Materials Management

- Advertise and issue solicitation to interested vendors.
- Receive and evaluate responses.
- Make award recommendation(s) to requesting department.
- Prepare and negotiate final contract.
- Submit award recommendation to the Board of Supervisors for approval.

Internal Audit

- Periodically audit contracts entered into for commercial advertising to assure compliance by all parties.

E. Approval Process

Internet

Requesting Office/Agency
Elected Official/Chief Officer
Office of the CIO
Materials Management

Documents

Requesting Office/Agency
Elected Official/Chief Officer
Materials Management

F. Acceptable Use and Reasonable Advertising Guidelines

- Advertising will be limited to commodities and services that are generally accepted as constituting a legal commercial transaction.
- Commercial advertising must comply with the following reasonable advertising guidelines, it cannot:
 - Be false, misleading, or deceptive.
 - Be illegal.
 - Advertise or depict sexual or obscene material, or material that is harmful to minors as defined in Arizona Revised Statutes, Title 13, Chapter 35.
 - Advertise alcohol or tobacco products.
 - Depict violence.
 - Depict antisocial behavior.
 - Contain language that is generally accepted as being obscene, vulgar, profane, or scatological.
- Convey a political or religious message.

SOLICITATION SERIALS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Solicitation Serials:

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- 03025-RFP ENVIRONMENTAL SERVICES** (\$5,000,000 est/five (5) years, with five one-year renewal options)
Multiple award contract for various Environmental Services as requested by the Environmental Services and Risk Management Departments. Competition will be solicited from among forty-two awarded vendors distributed by type in each of eleven (11) service areas on an as required basis.
- See back-up for awarded vendors (two sheets – 42 awardees)
(List on file in the Office of the Clerk of the Board.)
- 03033-C SOIL STABILIZER/DUST PALLIATIVE** (\$200,000 est/two (2) years, with three one-year renewal options)
Pricing agreement to purchase Soil Stabilizer/Dust Palliative Products for MCDOT for dust control on County roads.
- Dustpro Inc.
 - Earthcare Consultants LLC
- 03048-C LAKE PLEASANT FLOATING BRIDGE** (\$200,000 est/one (1) year with four one-year renewal options)
Pricing agreement to purchase and install a Floating Walkway/Dock for Lake Pleasant Pipeline Canyon as requested by the Parks & Recreation Department.
- Galva Foam Marine
- 03053-S PEST CONTROL SERVICES** (\$500,000 est/three (3) years, with three one-year renewal options)
Pricing agreement to contract for Pest Control Services as requested by the Facilities Management Department.
- Cherokee Exterminating
- 03096-RFP FINANCIAL ADVISORY SERVICE** (\$200,000 est/three (3) years, with three one-year renewal options)
Pricing agreement to provide financial advisory services to Maricopa County for various projects that may require financing.
- US Bancorp Piper Jaffray, Inc.
- 03132-C INSTITUTIONAL FURNITURE** (\$600,000 est/three (3) years, with three one-year renewal options)
Pricing agreement to purchase Institutional Furniture for the new jails as requested by the Maricopa County Sheriff's Office.
- Norix Group, Inc.
- 03136-ROQ PSYCHOLOGICAL/EDUCATION EVALUATION SERVICES** (\$225,000 est/three (3) years, with three one-year renewal options)
Pricing agreement for Psychological/Education Evaluation Services to small school districts as requested by the Maricopa County Small Schools Office.
- Daniel B. Juliano, PhD
- 03189-C SEDANS, FULL SIZE, POLICE EQUIPMENT PACKAGE** (\$9,281,444 est/three (3) years, with three one-year renewal options)
Pricing agreement for the purchase of Full Size Police Sedans as requested by the Equipment Services Department. Initial award is to Mel Clayton Ford on a

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firm, fixed price basis. Subsequent awards will be competed to all awarded vendors.

- Mel Clayton Ford
- Five Star Ford
- Lou Grubb Ford, Inc.
- Sanderson Ford, Inc.
- Tom Jones Ford, Inc.

Increase in the contract amount for the following contract(s). This request is due to an increased usage by County departments.

- 00159-RFP CRIMINAL JUSTICE CONSULTING SERVICES FOR COUNTY ATTORNEY**
Increase price agreement value from \$345,000 to \$380,000. This \$35,000 increase is requested by the County Attorney's Office for additional services under this contract. This contract was initially awarded by the Board of Supervisors on December 20, 2000, for \$320,000 with a subsequent increase of \$25,000 by the Materials Management Director on August 8, 2002. Price agreement expires December 31, 2004.
- John H. Blackburn

~ Supervisor Wilcox entered the meeting ~

DENY KENNEL PERMIT APPLICATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to deny the application for a kennel permit for Mary Thompson, dba Thompson Kennels, 4915 West Montecito Avenue, Phoenix, 85031, for the term of November 19, 2003, through November 18, 2004. Animal Care & Control has been unable to inspect the animal area. In an effort to make contact, officer noted property is lined with the debris and there is a strong odor of feces coming from the house. AC&C requests permit denial based on the unsanitary conditions that are present. (C7904037C) (ADM2304)

ISSUANCE OF KENNEL PERMIT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the issuance of a kennel permit for Leona Lee and Mickey Bacon, dba L&M Kennels, 4336 East Pollack Lane, Phoenix, AZ 85042, for the term of November 19, 2003, through November 18, 2004. (C7904038C) (ADM2304)

AMENDMENT TO LEASE WITH CSFB 1988-FI-2 WEST MONROE OFFICE, LLC

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve and execute amendment to Lease No. L7300 with CSFB 1988-FI-2 West Monroe Office, LLC, Lessor for 6,620 square feet of office space at 111 West Monroe, Suite 900 Phoenix, Arizona. The lease term is for one year commencing December 20, 2003, and expiring on December 19, 2004. The base annual rent is \$122,470, plus a 2.4% rental tax, maintenance/utilities estimated at 3% (fluctuates due to building occupancy), a monthly parking fee, training space rental and parking validation. Annualized payment is estimated at \$160,741. New facilities are under construction; however delays require extension of the lease. This agreement contains a 90-day termination clause. Per ARS §42-17106(b), approve a transfer of expenditure authority from FY 2003-2004 contingency funds in the amount of \$10,677 from General Government (470) Detention Fund (Fund 255) Reserved Contingency (4711) line

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item New Facility Operating Costs to General Government (470) Detention Fund (Fund 255). Other Detention Fund Programs – Correctional Health Lease (4712) line item. Approval of this action will allow the Department to fully fund rental costs for the remainder of FY2003-04. (C26010024) (C26040074)

AMENDMENT TO AGREEMENT WITH MARICOPA ASSOCIATION OF GOVERNMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve acceptance of Amendment No. 4 of Agreement No. 0098 in the amount of \$910,000 from the Maricopa Association of Governments. The amendment will extend the award through June 30, 2004. Also, cash matching funds and in-kind matching funds are not required. The grant funds will be used for administering and promoting the County's Trip Reduction Program. Total program funding will increase \$910,000 to become \$4,550,000. The budget adjustment will be \$160,000 as \$750,000 is already budgeted. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment of does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C8800013304)

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Amendment No. 1 to Intergovernmental Agreement No. HG361070 with the Arizona Department of Health Services (ADHS) to provide Women, Infants and Children (WIC) nutritional services. The amendment increases the FY 2004 funding level by \$642,920. Funding for the budget term ending 09/30/04 will increase from \$7,225,000 to \$7,867,920. By approving this agenda item, the Board will be authorizing the Chairman to sign all applications, contracts and subsequent administrative amendments related to this grant. Also approve an appropriation adjustment to Department of Public Health Grants (Department 860/Fund 532), to Public Health Department Grant Fund (Department 860 /Fund 532) to increase revenues and expenditures by \$642,920 due to net changes in grant revenues from the Arizona Department of Health Services. The appropriations adjustment is necessary because these funds were not included in the FY 2004 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C8603052201)

LEASE WITH BRITTANY SQUARE SHOPPING CENTER, LLLP

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve new limited service lease No. L7343 with Brittany Square Shopping Center, LLLP, an Arizona Limited Liability Partnership, Lessor, for premises to be used as an immunization clinic. The premises located at 6666 West Peoria, Avenue, Suite 113, Glendale, Arizona contain 2,368 square feet of space. The 60-month term will commence on January 1, 2004, and expire on December 31, 2008. Annual base rental costs are:

- Year 1) \$28,416.00, (\$12.00 per square foot)
- Year 2) \$29,600.04, (\$12.50 per square foot)
- Year 3) \$30,783.96, (\$13.00 per square foot)
- Year 4) \$31,968.00, (\$13.50 per square foot)
- Year 5) \$33,152.04, (\$14.00 per square foot)
- plus 2.4% rental tax on all annual amounts.

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Additional estimated rents for common area charges are \$10,800 per year. Tenant is also responsible for interior maintenance and utilities. This lease contains a provision for termination with 180-days notice and for pro rated tenant improvement reimbursement for tenant improvement costs estimated at \$27,000, in the event of early termination of the lease by Maricopa County. (C86040224)

RENEWAL OF CONTRACT WITH MOUNTAIN PARK HEALTH CENTER

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the renewal of a contract with Mountain Park Health Center to continue to provide Well Women Health Check services to uninsured or underinsured women. The contract term is retroactive to October 1, 2003, and continues through June 30, 2004, for not-to-exceed \$34,480. (C86040811)

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH SCOTTSDALE UNIFIED SCHOOL DISTRICT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Amendment No. 1 to an Intergovernmental Agreement with the Scottsdale Unified School District to provide school-based tobacco use prevention and education services. The amendment increases the dollar amount by \$12,000, from \$32,000 to \$44,000 for the term ending June 30, 2004. All other terms and conditions remain unchanged. (C8604334201)

INTERGOVERNMENTAL AGREEMENT WITH CITY OF PHOENIX FIRE DEPARTMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve an Intergovernmental Agreement with the City of Phoenix Fire Department to provide tobacco use prevention and education services. The term of the agreement is retroactive from August 1, 2003, to June 30, 2004, for a contract dollar amount not-to-exceed \$181,150. (C86043572)

SOLE SOURCE PROCUREMENT WITH ARGENT SOFTWARE INC.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a three year sole source procurement with Argent Software Inc. to provide the software support and maintenance upgrades (to include technical support 24 hours a day, 7 days a week, updates, upgrades and new releases) for Argent Guardian, Predictor and Sentinel. Total expenditures will not exceed individual budgetary authorizations. Argent Software Inc. owns the source codes for this proprietary software and does not allow any other vendor to sell, support or provide maintenance for these software packages. The County currently uses this software for performance tuning on Intel based servers and this is the selected standard as determined by the County PC LAN Managers community of practice. This requirement was advertised in accordance with County's sole source procurement procedures. (C41040031)

MARICOPA COUNTY/STATE OF ARIZONA PALO VERDE EMERGENCY OPERATIONS PLAN

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the Maricopa County/State of Arizona Palo Verde Emergency Operations Plan. The plan will be valid until superceded by an updated version. The plan will be effective January 1, 2004. There is no cost to the County and no revenue will be generated. (C15040316) (ADM903)

INTERGOVERNMENTAL AGREEMENTS WITH VARIOUS CITIES/TOWNS

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Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Intergovernmental Agreements (IGA) between the Maricopa County Department of Emergency Management (MCDEM) and the following seven entities. This IGA is required for all Municipal Corporations, Indian Nations/Tribes, and other Public Agencies participating in the US Department of Homeland Security (DHS), Office of Domestic Preparedness (ODP) reimbursement grant programs. This IGA shall be in effect for one year and shall automatically renew for one year periods effective from the date of execution until either party gives written notice of intent not to renew thirty days prior to the end of the one-year period. There is no financial impact with the IGA's. The seven entities are: (C50040322ZZ)

City of Chandler (C15040332)
City of Tolleson (C15040352)
Town of Youngtown (C15040372)
Maricopa County Sheriff's Office (C15040392)

City of Peoria (C15040342)
Town of Wickenburg (C15040362)
Fire District of Sun City West (C15040382)

FY 2003 COMMUNITY EMERGENCY RESPONSE TEAMS (CERT) GRANT FUNDS

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and accept \$70,625 in FY 2003 Community Emergency Response Teams (CERT) Grant funds from the Department of Homeland Security, Federal Emergency Management Agency (DHS, FEMA). Funds from this grant will be allocated to political sub-divisions of the government and non-profit organizations within Maricopa County. The Maricopa County Department of Emergency Management (MCDEM) will determine the distribution of funds. The grant award period is August 1, 2003, through July 3, 2004. The grantor will provide advance funding for the grant in two installments. Also approve, upon award of the funds, an appropriation adjustment to MCDEM's grant fund (Fund 215, Agency 151, Org 1510) of revenues and expenditures in the amount of the CERT funds, not-to-exceed \$70,625. The appropriations adjustment is necessary because these funds were not included in the FY 2004 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C15040403)

INCREASE IN EXPENDITURE APPROPRIATION

Per ARS §42-17106(b), motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an increase in the Equipment Services Department (Fund 654) expenditure appropriation in the amount of \$517,902 in order to address an increased demand for repairs. Also, increase the Equipment Services Department (Fund 654) revenue appropriation in the amount of \$517,902 to reflect payment from other county departments for these services. These transactions will be offset with corresponding transactions to the Eliminations Fund (Fund 900). Approval of this action will allow Equipment Services to create 2 new Master Heavy Duty Technician positions and 2 new Master Automotive Technician positions. (C74040018) (ADM3100-003)

CONTRACTS WITH TAYLOR RyMAR CORPORATION

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve professional service contracts with Taylor RyMar Corporation to provide "as needed" electrical engineering services and mechanical engineering services for two year periods. The consultant will provide planning, programming, estimating, design, and construction administration services for various

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county projects. Consultant fees for the two year periods shall be \$250,000 or less (each contract) and are paid by the County's Capital Improvement Program fund, Major Maintenance budget or by budgeted department funds. (C70040275) (C70040285)

TRANSFER OF EXPENDITURE AUTHORITY

Per ARS §42-17106(b), motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the transfer of expenditure authority between Appropriated Fund Balance (Department 480, Fund 100) and Planning & Development Department (440) Planning & Development Fees Fund (226). This action will require an expenditure appropriation adjustment decreasing the FY 2003-2004 Appropriated Fund Balance (Department 480, Fund 100) General Contingency by \$2,293,076 and increasing the FY 2003-2004 Planning & Development Department (440) Planning & Development Fees Fund (226) by \$2,293,076. These adjustments will result in a Countywide net impact of zero. Approval of this action will allow the Department to improve its timeliness of performing plan reviews and issuing associated permits/certificates per the submitted Results Initiative Request (RIR). (C44040030) (ADM3400-003)

EASEMENTS, RIGHT-OF-WAY DOCUMENTS

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. (ADM2007)

A138.004 Project No: 68991 - Intersection Williams Field Road & Higley Road - Warranty Deed
(TS) - Parcel No. 304-39-007C - Circle K Stores Inc., a Texas Corporation - for the sum of \$650.00.

A138.004-2 Project No: 68991 - Intersection Williams Field Road & Higley Road - Drainage and
(TS) Public Utility Easement - Parcel No. 304-39-007C - Circle K Stores Inc., a Texas Corporation - for the sum of \$30,264.00.

A138.004 Project No: 68991 - Intersection Williams Field Road & Higley Road - Purchase
(TS) Agreement and Escrow Instructions - Parcel No. 304-39-007C - Circle K Stores Inc., a Texas corporation.

A264.006 Project No: 69010 - Eagle Mountain Road (EOM -217th Avenue) - Easement and
(AC) Agreement for Highway Purposes - Parcel No. 400-51-001E - Freddie L. Jones and Lisa Yvette Jones - for the sum of \$14,518.00.

A264.006 Project No: 69010 - Eagle Mountain Road (EOM -217th Avenue) - Purchase
(AC) Agreement and Escrow Instructions - Parcel No. 400-51-001E - Freddie L. Jones and Lisa Yvette Jones.

A267.001 Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Warranty
(LJS) Deed - Parcel No. 303-42-020C - Charlie's Chandler 160 Limited Partnership - for the sum of \$235,025.00.

A267.001 Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Purchase
(LJS) Agreement and Escrow Instructions - Parcel No. 303-42-020C - Charlie's Chandler 160 Limited Partnership.

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|-----------------------|---|
| A267.002 (R1)
(CS) | Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Relocation Assistance - Robert W. Pew Dairy - Relocation Entitlement of \$15,000.00. |
| A267.002 (R2)
(CS) | Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Relocation Assistance - Carlos & Hortencia Allende - Relocation Entitlement of \$15,000.00. |
| A267.002 (R3)
(CS) | Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Relocation Assistance - Josafat & Anaberta Ornelas - Relocation Entitlement of \$15,000.00. |
| A267.002 (R4)
(CS) | Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Relocation Assistance - Cruz & Jobita Ornelas - Relocation Entitlement of \$15,000.00. |
| A282.001
(CS) | Project No: 69010 - PM 10 - Tuthill Road (Queen Creek - Pecos) - Easement and Agreement for Highway Purposes - Parcel No. 400-58-026C - Samuel De Muro, Trustee - for the sum of \$20,606.00. |
| A282.001
(CS) | Project No: 69010 - PM 10 - Tuthill Road (Queen Creek - Pecos) - Purchase Agreement and Escrow Instructions - Parcel No. 400-58-026C - Samuel De Muro, Trustee. |
| A282.002
(CS) | Project No: 69010 - PM 10 - Tuthill Road (Queen Creek - Pecos) - Easement and Agreement for Highway Purposes - Parcel No. 400-58-026D - De Muro Properties, an Arizona General Partnership - for the sum of \$10,303.00. |
| A282.002
(CS) | Project No: 69010 - PM 10 - Tuthill Road (Queen Creek - Pecos) - Purchase Agreement and Escrow Instructions - Parcel No. 400-58-026D - De Muro Properties, an Arizona General Partnership. |
| A288.002
(AC) | Project No: 69010 - Maddock Road (17th Avenue - 11 th Avenue) - Easement and Agreement for Highway Purposes - Parcel No. 211-51-009E - Melvin Coleman and Jennifer Coleman - for the sum of \$13,373.00. |
| A288.002
(AC) | Project No: 69010 - Maddock Road (17th Avenue - 11 th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No. 211-51-009E - Melvin Coleman and Jennifer Coleman. |
| X-0210.1
(EGA) | Project No: 68974 - 99th Avenue (McDowell Road to Glendale Avenue) - Quitclaim Deed - Parcel No. 102-16-005Q - United States of America. |
| X-0210.2
(EGA) | Project No: 68974 - 99th Avenue (McDowell Road to Glendale Avenue) - Quitclaim Deed - Parcel No. 102-16-005Q - United States of America. |
| X-0462
(AC) | Project No: 23-033/60300/68074 - Indian School Road at Aqua Fria Bridge - Warranty Deed - Parcel No. 501-73-032 & 033 - Johnson Stewart Materials, L.L.C., an Arizona Limited Liability Company - for the sum of \$35,623.00. |
| X-0462
(AC) | Project No: 23-033/60300/68074 - Indian School Road at Aqua Fria Bridge - Purchase Agreement and Escrow Instructions - Parcel No. 501-73-032 & 033 - Johnson Stewart Materials, L.L.C., an Arizona Limited Liability Company. |

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TRAFFIC CONTROLS

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following traffic controls: (F23107)

A 50 MPH SPEED LIMIT ZONE (from a 55 MPH SPEED LIMIT ZONE) on Rittenhouse Road from 1000 Feet East of Power Road to Hawes Road. (This partially rescinds the 55 MPH speed limit zone dated July 12, 1971.) (C64041255)

A 40 MPH SPEED LIMIT ZONE (from a 55 MPH SPEED LIMIT ZONE) on Rittenhouse Road from Hawes Road to Ellsworth Road. (This partially rescinds the 55 MPH speed limit zone dated July 12, 1971.) (C64041255)

A 45 MPH SPEED LIMIT ZONE on Hawes Road from Hunt Highway to Riggs Road. (C64041265)

A 35 MPH SPEED LIMIT ZONE (from a 30 MPH SPEED LIMIT ZONE) on Hawes Road from Chandler Heights Road to .40 miles South of Chandler Heights Road. (This rescinds the 30 MPH speed limit zone dated August 5, 1974 and partially rescinds the 45 MPH Speed Limit Zone dated August 5, 1974). (C64041265)

A 45 MPH SPEED LIMIT ZONE (from a 50 MPH SPEED LIMIT ZONE) on Hawes Road from .50 miles South of Ocotillo Road to Chandler Heights Road. (This partially rescinds the 50 MPH speed limit zone dated July 11, 1988). (C64041265)

A 45 MPH SPEED LIMIT ZONE (from a 50 MPH SPEED LIMIT ZONE) on Hawes Road from .50 miles South of Rittenhouse Road to Ocotillo Road. (This partially rescinds the 50 MPH speed limit zone dated December 2, 1991). (C64041265)

A 40 MPH SPEED LIMIT ZONE on Hawes Road from .30 miles South of Rittenhouse Road to .50 miles South of Rittenhouse Road. (This partially rescinds the 50 MPH speed limit zone dated December 2, 1991). (C64041265)

A 35 MPH SPEED LIMIT ZONE (from a 45 MPH SPEED LIMIT ZONE) on Lower Buckeye Road from 127th Avenue to El Mirage Road. (This rescinds the 45 MPH speed limit zone dated March 5, 1973). (C64041275)

A 45 MPH SPEED LIMIT ZONE (from a 50 MPH SPEED LIMIT ZONE) on Lower Buckeye Road from El Mirage Road to 107th Avenue. (This partially rescinds the 50 MPH speed limit zone dated March 5, 1973). (C64041275)

A 35 MPH SPEED LIMIT ZONE (from a 45 MPH SPEED LIMIT ZONE) on Dysart Road from Southern Avenue to .75 miles north of Southern Avenue (This partially rescinds the 45 MPH speed limit zone dated March 5, 1973). (C64041285)

A 40 MPH SPEED LIMIT ZONE (from a 45 MPH SPEED LIMIT ZONE) on Dysart Road from .75 miles north of Southern Avenue to Vermeersh Road (This partially rescinds the 45 MPH speed limit zone dated March 5, 1973). (C64041285)

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A THREE WAY STOP (from a Two-Way east/west Stop at Southern Avenue and Dysart Road. (This rescinds the Two-Way Stop dated February 4, 1998). (C64041285)

A NO STOPPING, STANDING, PARKING, ANYTIME ZONE on Carefree Highway from 260 feet East of 3rd Avenue to 360 feet West of 3rd Avenue (North Side Only). (C64041295)

ROAD ABANDONMENT (ROAD FILE NO. 5304)

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) that the following resolution be adopted: (C64041347)

WHEREAS, pursuant to A.R.S. §28-6701 and 28-7202 et seq., it appears to the Board that the abandonment of the following-described property may be effected without damage to the public or adjacent landowners:

A roadway extending Southeasterly from the Southeasterly right-of-way line of Rancho Tierra Drive to the end of the cul-de-sac, between and adjacent to Lots 18, 19, 20,21 and 22 of "Desert Foothills North", a subdivision of the Northwest quarter (NW¼) of Section 20, T.5 N., R. 4 E., G&SRB&M, Maricopa County, Arizona, recorded in Book 148 of Maps, page 10, Maricopa County Records.

Said roadway is shown extending southeasterly from Rancho Tierra Drive to the end of Cul-de-Sac)

WHEREAS, the Board believing that the granting of said petition requesting abandonment is in the best interests of Maricopa County; and

WHEREAS, the County Engineer of Maricopa County, Arizona, has recommended the abandonment be approved;

NOW, THEREFORE, IT IS ORDERED that the above-described property be abandoned, subject to existing easements if any, and no rights or privileges to public utilities are affected by this abandonment, and the County Engineer is hereby directed to make a plat of the survey of same and cause it to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

DATED this 19th day of November 2003.

CONTRACT WITH SVR, INC.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Contract No. CY 2004-33 for On Call Engineering Bridge (Structural) Design Services with SVR, Inc. in an amount not-to-exceed \$150,000 during the contract period. The contract shall be in effect from the date of execution through November 30, 2004, with an option to renew for an additional one-year period. (C64041045)

CONTRACT WITH PARSONS TRANSPORTATION GROUP, INC.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Contract No. CY 2004-32 for On Call Engineering Bridge (Structural) Design Services with

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Parsons Transportation Group, Inc. in an amount not-to-exceed \$150,000 during the contract performance. The contract shall be in effect from the date of execution through November 30, 2004, with an option to renew for an additional one-year period. (C64041055)

CONTRACT WITH WESTERN TECHNOLOGIES, INC.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Contract No. CY 2004-28 for on call inspection services with Western Technologies, Inc. in an amount not-to-exceed \$245,000. The contract shall be in effect from the date of execution through December 31, 2005, or until the contract amount is expended, whichever occurs first. (C64041185)

INTERGOVERNMENTAL AGREEMENT WITH TOWN OF QUEEN CREEK

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Intergovernmental Agreement between Maricopa County and the Town of Queen Creek for the exchange of services or reimbursement of services (Entente Agreement). The agreement will not exceed five years unless extended by appropriate actions by the County and the Town. Either party may terminate this agreement at any time prior to the end of its duration by furnishing the other party with a written notice. (C64041192)

REIMBURSEMENTS AND ACCEPTANCE OF SALT RIVER PROJECT'S DESIGN AND CONSTRUCTION CONTRACTS

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve reimbursements and acceptance of Salt River Project's design and construction contracts for Salt River Project job orders, as follows:

- a) KE6-90051, JE6-90042 and KE6-90052 dated October 13, 2003, for costs incurred in their relocation of their facilities in conflict with McDOT Project No. T081 (MCDOT 68957), Gilbert Road: McDowell to SR 87 w/lwc. The cost may not exceed the current estimate of \$19,883 by more than 10%. (C64041195)
- b) KE2-90007, dated October 8, 2003, for costs incurred for their relocation of their facilities in conflict with McDOT Project No. T085 (MCDOT 68962), Queen Creek Road Culvert at Eastern Canal. The cost may not exceed the current estimate of \$20,741 by more than 10%. (C64041205)

INTERGOVERNMENTAL AGREEMENT WITH CITY OF TOLLESON

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Intergovernmental Agreement between Maricopa County and the City of Tolleson for the Tolleson Street Improvement Project (Small Cities Transportation Assistance Program). The Transportation Advisory Board recommends that the Board of Supervisors select the City of Tolleson, Street Improvement Project for FY 2004 SCTAP funding not-to-exceed \$300,000. Funds are budgeted in McDOT FY 2004 CIP (TIP) under Project No. T009 (McDOT 68872-15), Small Cities Transportation Assistance Program (SCTAP). (C64041232)

ANNEXATION OF COUNTY RIGHT-OF-WAY BY THE TOWN OF QUEEN CREEK

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Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the annexation by the Town of Queen Creek of County right-of-way within Hawes Road, from 55' South of Ocotillo Road, thence North approximately 2,695', in accordance with Town Ordinance No. 268-03. (C64041245) (ADM4224)

REIMBURSEMENT TO SALT RIVER PROJECT

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve reimbursement to Salt River project (SRP) in the amount of \$10,771 for engineering services and construction by SRP forces for the relocation and installation of their electrical facilities in conflict with the McDOT project 23082500 at the intersection of Ocotillo Road and 132nd Street. McDOT acknowledges that SRP has prior rights for these facilities. The cost may not exceed the estimated amount of \$10,771 by more than 10%. (C64041305) (ADM2000-006)

CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Contract No. CY 2004-34 with Kimley-Horn and Associates, Inc. for On -Call Traffic Engineering services in an amount not to exceed \$150,000 during the contract performance period. The contract shall be in effect from the date of execution through December 31, 2004, with an option to renew for an additional one-year period. (C64041325)

ANNEXATION OF COUNTY RIGHT-OF-WAY BY THE CITY OF PEORIA

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the annexation by the City of Peoria of County right-of-way within the vicinity of Deer Valley Road from 83rd Avenue to 75th Avenue, in accordance with City Ordinance No. 03-172. (C64041355) (ADM4212)

MARICOPA INTEGRATED HEALTH SYSTEM PERSONNEL AGENDA

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Maricopa Integrated Health Systems Personnel Agenda (Exhibit F). (List on file in the Clerk of the Board's Office.)

AMENDMENT TO CONTRACT WITH WEST VALLEY URGENT CARE

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Amendment No. 2 to the contract with West Valley Urgent Care for Urgent Care/After Hours Services to:

- a. extend the contract term for two years, from December 17, 2003, through December 16, 2005, making the aggregate term December 17, 2001, through December 16, 2005; and
- b. increase the not-to-exceed amount by \$300,000, from \$200,000 to \$500,000.

The contract may be extended up to a total term of five years, and either party may terminate the contract with 90-days written notice. (C6002501102)

CONTRACT WITH DEVEREUX ARIZONA

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Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a contract with Devereux Arizona for Behavioral Health Level I Residential Treatment Center Services, effective upon Board of Supervisors' approval through August 31, 2005. The proposed not-to-exceed amount is a percentage of the pool amount for all Behavioral Health Level I Residential Treatment Centers, which is \$1,486,280 (Agenda No. C60040871). The contract may be extended for up to a total term of five years and may be terminated with 90-days written notice by either party. (C60040851)

CONTRACTS FOR URGENT CARE SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following contracts for the provision of Urgent Care Services. The proposed not-to-exceed amounts are a percent of the pool for all urgent care centers contracted between November 1, 2003, and November 30, 2005, which is \$473,888 (Agenda No. C60040971). The contract terms are upon Board of Supervisors' approval through November 30, 2005. The contracts may be extended for a total term up to five years and may be terminated with 90-days written notice by either party.

- a) Advanced Urgent Care (C60040961)
- b) Pinnacle Medicine/Next Care Urgent Care (C60041001)

ESTABLISH POOL OF FUNDS FOR ALZHEIMER'S ASSISTED LIVING SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to establish a pool of funds for Alzheimer's Assisted Living Services, with an amount not-to-exceed \$7,770,000 for the upon Board of Supervisor's approval through September 30, 2005. (C60040981)

ESTABLISH POOL OF FUNDS FOR ASSISTED LIVING IN UNITS SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to establish a pool of funds for Assisted Living in Units Services, in an amount not-to-exceed \$9,900,000. The term of the pool will commence upon Board of Supervisor's approval and proceed through October 31, 2005. (C60040991)

CONTRACT WITH ABRAZO HEALTH CARE - CONTINUED

Item: Retroactively approve a new contract with Abrazo Health Care dba VHS of Arrowhead, Inc., dba Arrowhead Community Hospital and Medical Center, VHS Acquisition Corporation, dba Maryvale Hospital Medical Center, VHS Acquisition Subsidiary Number 1, Inc., dba Paradise Valley Hospital, VHS of Phoenix, Inc., dba Phoenix Baptist Hospital Medical Center, VHS Acquisition Company Number 1, LLC dba Phoenix Memorial Hospital, and Hospital Development of West Phoenix dba West Valley Hospital Medical Center for provision of hospital services for Maricopa Integrated Health System – Health Plan (MIHS-HP) members. The term of the contract is October 1, 2003, through September 30, 2008. This contract will be funded through the pool established by Agenda No. C6002067, for all hospital services, with a current not-to-exceed amount of \$121,272,000. This contract has a 90-days termination for convenience provision and is for its maximum term of five years. (C60041021)

Chairman Brock continued this item to the December 3, 2003, meeting.

AMENDMENT TO REVENUE CONTRACT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES –

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Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried to retroactively approve Amendment No. 3 to the revenue contract with Arizona Department of Health Services for Newborn Intensive Care Services to extend the current contract from June 30, 2003, through June 30th, 2004. The current not-to-exceed or revenue is \$110,000. This agreement may be extended up to 48 months. The State of Arizona may terminate this contract without notice. (C9001155103)

AMENDMENT TO CONTRACT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES dba ARIZONA STATE HOSPITAL (ASH)

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried to retroactive to July 1, 2003, approve Amendment No. 2 to the contract with the Arizona Department of Health Services dba Arizona State Hospital (ASH) for the provision of inpatient and outpatient medical care to ASH detainees. This amendment extends the effective date from July 1, 2003, through June 30, 2004. The contract may be extended on an annual basis through February 12, 2006, and may be terminated without cause upon written notice. The annual expected gross revenue for this contract is \$1,045,077 and the attendant expense is estimated to be \$204,407. (C9003018202)

LEASE WITH CENTERRE REHABILITATION HOSPITAL OF ARIZONA, LLC - CONTINUED

Item: Approve an eight-year lease with Centerre Rehabilitation Hospital of Arizona, LLC for the 7th Floor of Maricopa Medical Center for \$34,666.67 per month. Centerre Rehabilitation of Arizona will operate an inpatient rehabilitation hospital at the site and upon the subsequent approval of a call for bids, award of a construction contract, and the completion of building renovations. The effective date of the lease will be upon completion of construction improvements with an estimated effective date of May 1, 2004. The lease allows for an additional eight-year renewal term. (C90040494)

Chairman Brock continued this item to the December 3, 2003, meeting.

CALL FOR BIDS AND AWARD – IMPROVEMENTS FOR THE RENOVATION OF THE 1ST AND 7TH FLOORS OF THE MARICOPA MEDICAL CENTER - CONTINUED

Item: Adopt plans and specifications, authorize a call for bids, and award a construction contract to the lowest responsible bidder provided that the bid is not more than 10% over the architect's estimate for the Major Maintenance Project. The project consists of Improvements necessary for the renovation of the 1st and 7th floors of the Maricopa Medical Center to accommodate the relocation of the Endoscopy Department and the creation of an Acute Rehabilitation Unit. This project is funded by the lease improvement reimbursements from the lease agreement with Centerre Rehabilitation Hospital of Arizona, LLC (Agenda C90040494). (C90040505)

Chairman Brock continued this item to the December 3, 2003, meeting.

AGREEMENT FOR PURCHASED ANCILLARY SERVICES WITH CENTERRE REHABILITATION HOSPITAL OF ARIZONA, LLC - CONTINUED

Item: Approve an eight-year agreement for purchased ancillary services with Centerre Rehabilitation Hospital of Arizona, LLC for usage of the 7th Floor of Maricopa Medical Center. Payments to MIHS for these services are based on a case rate or usage of those services necessary to provide rehabilitation services to the patients of Maricopa Medical Center. Centerre Rehabilitation of Arizona will operate an inpatient rehabilitation hospital at the site and upon the subsequent approval of a call for bids, award of a construction contract, completion of building renovations, and approval of the proposed lease agreement.

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The effective date of this purchased service agreement will parallel the proposed lease agreement (C90040494) and have an estimated effective date of May 1, 2004, and will allow for an additional eight year renewal term. The projected gross revenue for this service agreement shall be \$4,071,240, of this amount \$250,000 will be forgiven, leaving a net revenue of \$3,821,240. (C90040601)

Chairman Brock continued this item to the December 3, 2003, meeting.

ADOPTION OF 2004 MEETING SCHEDULE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to adopt the 2004 meeting schedule as presented. (ADM601)

HEARING SET – SUPERIOR COURT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, December 17, 2003, pursuant to a request from the Presiding Judge of the Superior Court of Arizona in Maricopa County, to consider authorizing a Mediation No Show Fee of \$200 assessed upon all Superior Court family, juvenile, and civil cases, and upon all Justice Court cases that require a court ordered mediation session. Upon approval by the Board of Supervisors, the fee will be assessed upon the failure to appear for a court ordered mediation session scheduled after December 1, 2003. Authority for this request is based upon ARS §11-251.08 and the State of Arizona Attorney General Opinion I95-18 (R94-93). The fee will be deposited in the Domestic Relations Mediation/Education Fund (Fund 282) with the Maricopa County Treasurer for disbursement by the Presiding Judge with expenditures subject to appropriation by the Board. (C38040088) (ADM1005)

HEARING SET – FINANCE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, January 7, 2004, to consider approving the sale of the Maricopa County owned property and building site of the George L. Campbell Branch Library to the Maricopa County Library District and authorize the Chairman to execute documents necessary to finalize the transaction. (C1804015B) (ADM2800) (ADM812-003)

HEARING SET – PUBLIC HEALTH

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, December 17, 2003, to consider approving a fee schedule for Public Health based on the results of a comprehensive fee study performed by Deloitte Consulting, LLP. (C8604021M) (ADM2151)

HEARING SCHEDULED - PLANNING AND ZONING CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for December 3, 2003, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

2002-165; Z2003-022; Z2003-042; Z2003-075; Z2003-007

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INDUSTRIAL DEVELOPMENT AUTHORITY MULTIFAMILY HOUSING REVENUE BONDS (AHF AFFORDABLE HOUSING PORTFOLIO)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR). (ADM4792)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA MULTIFAMILY HOUSING REVENUE BONDS (AHS AFFORDABLE HOUSING PORTFOLIO), SERIES 2003, IN ONE OR MORE TAXABLE AND/OR TAX-EXEMPT SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT-TO-EXCEED \$27,000,000 (THE "BONDS").

MINUTES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meetings held August 4, 22, September 15, 16, 22, and 24, 2003.

PAYMENT OF CLAIMS TO THE ARIZONA STATE RETIREMENT SYSTEM

No claims were submitted at this time. (C31040018) (ADM3309)

2004 COMBINED CHARITABLE CAMPAIGN CONTRIBUTIONS

No contributions were made at this time. (C88040057) (ADM3311-002)

CONTRIBUTIONS GENERATED FOR THE 2004 NACO ANNUAL CONFERENCE

No contributions were made at this time. (C2003015M) (ADM652)

SETTLEMENT OF CLAIMS

No settlement of claims with medical service providers were presented at this time. (ADM409-001)

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and removal of precinct committeemen due to disqualification in accordance with lists dated November 19, 2003, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

REPORT REGARDING THE TAXPAYER'S INFORMATION FUND 41

Pursuant to ARS §42-18002, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the report from the County Treasurer listing the amount of annual

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taxes charged, collected, corrections, and taxes unpaid on the roll as of June 30, 2003, and credit all collections and corrections; and pursuant to ARS §11-495.C, accept the report regarding the Taxpayer's Information Fund 41. (ADM4007)

SECURED TAX ROLLS

No tax rolls were presented at this time. (ADM705)

TAX ABATEMENT REQUESTS

There were no requests for tax abatements from the Treasurer's Office at this time. (ADM708)

DUPLICATE WARRANTS

Necessary affidavits having been filed pursuant to ARS. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
Drug Enforcement Admin.	340505984	Expense	\$4,178.48
City of El Mirage	340515677	Expense	\$16,273.04
Benito Angulo	23501641	General	\$405.88
Bank One AZ - Savings Bonds	340512855	Expense	\$30,450.00
Cindy Benner	340514019	Expense	\$377.50
Elizabeth Sunnucks	70531	Payroll	\$1,107.72
Lyle E Reed	076599	Payroll	\$75.00
Joshua Gardner	22050231	Payroll	\$325.62
John Alemar	230500251	Payroll	\$35.00

SCHOOL

NAME	SCHOOL	WARRANT	AMOUNT
Balsz SD #31	Balsz SD #31	44-0037702	\$737.85
MBI Industrial Medicine	Pendergast SD #92	43-123254	\$222.00
New Horizons in Education	Pendergast SD #92	44-27693	\$1,105.13
Rhonda Bailey	Alhambra SD	14004006	\$36.94
Handyman Missions	Tolleson Elem SD	440019340	\$6,000.00
Luis M Soto	Roosevelt SD #66	14-0042918	\$337.43
Scholastic	Roosevelt SD #66	430139981	\$866.68
Arizona Office Technologies	Phoenix Elem SD #1	44-0037284	\$3,397.65
Kelby Milgrim	Alhambra SD	14-0012517	\$897.30
Merrill Lynch	FHUSD	440014701	\$95.00
Merrill Lynch	FHUSD	430124794	\$190.00
Merrill Lynch	FHUSD	430071592	\$95.00
Merrill Lynch	FHUSD	430052694	\$95.00

STALE DATED WARRANTS

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Pursuant to ARS. §11-644, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to find that claims presented are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

NAME	AMOUNT
William J. Nastasiak	\$1,247.94
William J. Nastasiak	\$1,247.95
William J. Nastasiak	\$1,247.94
Louise B Pierotti	\$6,682.28
Louise B Pierotti	\$1,092.67
Louise B Pierotti	\$81.51
Maureen Murphy	\$106.50
Carole Russell	\$10.00
Verleane Trice	\$173.88
Sue Sisley, MD	\$150.00
David Cruz	\$83.06
Mathew McMahan	\$60.00

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the settlement of tax cases, list dated November 5, 2003. (ADM704)

2001/2002/2003 TX 01-000429 2003 CV 03-001247 ST 03-000064 TX 02-000349	2003/2004 TX 02-000488 2004 ST 03-000068
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CLASSIFICATION CHANGES

Pursuant to ARS. §42-12054, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the Assessor's recommendation to change classification and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

PARCEL NO.	YEAR	OWNER	FROM	TO
108-23-118	2000	Jeffrey Brown	LC/4	LC/3
108-23-118	2001	Jeffrey Brown	LC/4	LC/3
108-23-118	2002	Jeffrey Brown	LC/4	LC/3
108-23-120	2001	Guadalupe Hernandez	LC/4	LC/3
108-23-120	2002	Guadalupe Hernandez	LC/4	LC/3
108-23-120	2003	Guadalupe Hernandez	LC/4	LC/3
110-06-079	2003	Worhle James	LC/4	LC/3
139-58-041	2001	Dale S Davis	LC/4	LC/3
139-58-041	2002	Dale S Davis	LC/4	LC/3
139-58-041	2003	Dale S Davis	LC/4	LC/3
144-01-240	2001	Amy Remfrey	LC/4	LC/3

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144-01-240	2002	Amy Remfrey	LC/4	LC/3
144-01-240	2003	Amy Remfrey	LC/4	LC/3
148-08-341	2003	John Wolan	LC/4	LC/3
148-22-563	2002	Judy E Scheidt	LC/4	Mixed
148-22-563	2002	Judy E Scheidt	LC/4	LC/3
148-26-131	2001	Enrique Ortega	LC/4	LC/3
148-26-131	2002	Enrique Ortega	LC/4	LC/3
148-26-131	2003	Enrique Ortega	LC/4	LC/3
200-41-944	2001	Sharon Straight	LC/4	LC/3
200-41-944	2002	Sharon Straight	LC/4	LC/3
200-41-944	2003	Sharon Straight	LC/4	LC/3
218-56-208	2001	Julia Mulbrook	LC/4	LC/3
218-56-208	2002	Julia Mulbrook	LC/4	LC/3
218-56-208	2003	Julia Mulbrook	LC/4	LC/3
230-07-802	2003	David Perry	LC/4	LC/3
305-02-218	2002	Anthony Riemma	LC/4	LC/3
305-02-218	2003	Anthony Riemma	LC/4	LC/3

COMPROMISES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session held November 3, 2003.) (ADM407)

Edilberto Dominquez	\$ 600.00	Terea Pereida	\$ 6,000.00
David Grant Gillreath	5,600.00	Mario Ruiz	55,000.00
Leroy Hoover	800.00	LaTeresa Jones	3,000.00
Adinna Jones	1,500.00	Jason Broughton	1,400.00
Raimone C. Rogers	700.00		

WRITE-OFFS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the requested write-offs as payment in full. (Discussed in Executive Session held November 3, 2003.) (ADM407)

Jesus Ochoa Alvarez	\$ 513.00	Jesus Humberto Barrera, Jr.	\$717.00
Melanie Marie Boyle	1,542.29	Julian Covarrubio	270.00
Sherrie Lynne Purvis	140.00	Sherry Lynne Purvis	170.00
Jose Manuel Ochoa	2,820.00	Brent Allen Parsons	660.00
Alejandro Ruiz Ramirez	75.00	Cher Deshannon Randolph	212.00
Lance Raymond Stalling	280.00		

PUBLIC COMMENT

No member of the public came forward to speak at this time. (ADM605)

SUPERVISORS'/COUNTY ADMINISTRATIVE OFFICER SUMMARY OF CURRENT EVENTS

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Supervisor Wilson commented on all there is to be thankful for as Thanksgiving approaches and said it is a great time for families and to realize that it isn't what we haven't got, its all that we have got that is important. He cautioned all to drive carefully and arrive safely. (ADM606)

Supervisor Kunasek said that the Phase 1 groundbreaking had taken place last week for the trail that will eventually surround Maricopa County. He thanked Supervisors Stapley and Wilson for joining him to participate in the ceremony at Deadman's Wash and the I-17.

Chairman Brock added that this is a regional project that is one of the widest in scope in the County and is unique in the country. He said he looked forward to the day when all those who worked so hard to get it started could gather once again as the trail is dedicated upon completion.

David Smith reported that he was a guest speaker at a management forum where the new county administrator of San Bernardino County (California) is considering a Managing for Results program similar to the one here. He said that from what he heard reported from others who participated he felt that Maricopa County is far ahead in terms of the breadth and sophistication of measures taken in the program. He said, "We continue to lead and it is my goal that we maintain that leadership position." He indicated that the progress made in various measures to improve customer service is made known to the Board, to the public and within our organization. Chairman Brock asked to see the tape of Mr. Smith's presentation if one was available and congratulated him on continuing the improvement of this program.

PLANNING AND ZONING

David Smith left the dais at the end of this portion of the Board meeting. All five Board Members remained in session. Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

REGULAR AGENDA DETAIL:

1. **Z2002-159** District 2 (This case continued from October 22, 2003.)
Applicant: Morris Mickelson for T-Mobile and the Arizona State Land Department
Location: Southeast side (approx. 1550 N. block) of McDowell Mountain Rd. (in the Fountain Hills/Ft. McDowell area)
Request: Special Use Permit (S.U.P.) for a wireless communications facility in the Rural-43 zoning district, Cellular Use District 1 - County East Monopole (0.06 ac.)

COMMISSION ACTION: Commissioner Gulbrandsen moved to recommend approval of Z2002-59, subject to the following stipulations "a" through "r". Commissioner Denny seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "COUNTY EAST MONOPOLE PH31508E". Consisting of seven (7) full-size sheets, dated revised January 27, 2003 and stamped received March 4, 2003, except as modified by the following stipulations.

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- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "Revised Project Submittal Narrative for a Special Use Permit Z2002-59 County East Monopole" consisting of three (3) pages, dated and stamped received March 4, 2003.
- c. Major changes to this Special Use Permit (site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- d. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- e. Prior to drainage clearance for building permit, a drainage report must be submitted for reviewed and approval by the Flood Control District.
- f. Driveway within the County right-of-way shall be paved or surfaced at the discretion of MCDOT, and permit will be required to connect the paved driveway to the County road.
- g. Driveway and parking area must meet EPA requirements for dust control.
- h. The ground equipment site shall be walled in by an eight-foot (8') high CMU wall that includes a parking area.
- i. Should unanticipated effects or previously unidentified historic properties be discovered during the construction of the wireless facility, all work shall cease and desist until the State Historic Preservation Office deems in writing that construction can recommence.
- j. No construction activities shall occur at the wireless facility between the dates of February 1 through July 30 of any given year. Routine maintenance on existing equipment or the emergency repair of said equipment would be permitted unless agencies representing the State of Arizona or the Federal Department of Interior deem such work as disruptive to the wildlife and require a cease and desist order.
- k. No large trees (equal to or greater than 6 inches diameter at breast height) or saguaro cacti shall be removed as the result of construction activities at the subject site. All construction activities must be planned around such vegetation to prevent their removal or damage.
- l. No antenna arrays shall be greater than 12 feet in width. Under no circumstances will catwalk type structures be permitted on the monopole.
- m. The monopole shall be limited to a maximum of three antenna arrays. Co-located antennas of future carriers agreeing to the aforementioned stipulations can be permitted with a minor amendment to the site plan administratively approved by the staff of the Planning and Development Department
- n. All antenna arrays will be minimal in nature and neutral in color to blend with surrounding area. The CMU wall located at the base of the monopole will be stuccoed, constructed of

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natural materials or some other aesthetic method so that it blends with the surrounding natural desert landscape.

- o. The monopole together with all antennas and attachments will not exceed 80 feet in height as measured from base ground level.
- p. A status report, including clear photos of the wireless facility, shall be required in two (2) years time from the date of approval by the Board of Supervisors, or when the site is completely co-located with three carriers – which ever occurs first.
- q. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, upon expiration of the lease to the applicant(s), or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration. Any request for an extension shall be made at least six months prior to the expiration date
- r. Any lighting shall be in compliance with Article 1112 of the Maricopa County Zoning Ordinance and shall be designed to mitigate negative impacts on avian migration and nesting.

Mr. Gerard reported on previous action taken on this case, saying it first came before the Board on September 24, 2003, when it was continued to October 22 and again continued to today's meeting. He said there is no new information but it is understood that the applicant now wishes to relocate the area approximately one mile to the west, still on State Land Department land. The question is whether to require the applicant to re-apply for a new SUP, to continue it indefinitely to allow applicant to continue working on his project modifications, or to withdraw the case.

Supervisor Stapley reported that he'd been informed that the applicant had not made contact with those he'd been advised to seek out at the last Board meeting and nothing had been done on the case. He acknowledged this as a concern and asked if the applicant had an explanation.

Rulon Anderson, T-Mobile, applicant, said he had met with the State Land Department (SLD) who had sent a letter to the Supervisors stating their desire to have the site moved but not withdrawn. The applicant has agreed to move it and have worked on assembling all of the new stipulations that they received from staff in an email from Mr. Gerard. He said he needed additional time to get everything done and all the documentation requested and to work out all the details. The SLD has requested he not meet with Mr. Lazarus (Ft. McDowell Indian Community), as they would prefer to meet with Mr. Lazarus themselves. Mr. Anderson said they are working to provide the service desired by citizens of Fountain Hills in the least objectionable way by using a temporary/permanent site that is on wheels and can be moved. He requested an indefinite continuance. Staff agreed with this.

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to continue this case indefinitely.

- 2. Z2001-50** This case will not be heard as it was continued to the Planning and Zoning Commission hearing of December 4, 2003.

Mr. Gerard said this case was mistakenly advertised for a hearing today but the Planning Commission had continued it and so there is no action for this item at this time. He asked for an indefinite continuance.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
November 19, 2003**

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this case indefinitely.

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Flton Brock, Chairman of the Board

Norma Risch, Deputy Clerk of the Board